

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF PENNSYLVANIA

ANTHONY DeFRANCO,
Plaintiff,

v.

WILLIAM WOLFE, et al.,
Defendants.

)
) No. CA-04-230-ERIE
) Magistrate Judge Baxter
) District Judge Cohill
)
)

MOTION TO SUPPLEMENT RECORD

Plaintiff moves this Honorable Court to consider the following information in consideration of the Defendants motion to dismiss, and to consider the information submitted in the case:

1. As the Court is aware, the Defendants transferred Plaintiff in retaliation for filing this complaint (Plaintiff has since been returned to SCI Albion, on 8/2/05).

2. While Plaintiff was housed at SCI Smithfield, the Institution staffed (voted) on whether Plaintiff required a Z code. It was indeed determined that Plaintiff required a Z Code status (see attached, Ex. "A", a request from Smithfield unit manager Campopiano saying Plaintiff required the Z Code primarily for his mental health and need of counseling). This staffing just occurred on or about April 27, 2005, where the superintendent approved the Z Code.

3. As the Court is aware, the Defendants at SCI Albion only removed his Z Code after he allegedly threaten a prison official. They have never offered an explanation why the Z Code was removed.

3. The superintendent at Albion (Defendant Brooks) sent Plaintiff a appeal decision regarding the retaliatory transfer and states that upon his return he will be housed according to his classification (attached, Ex. "B", Defendant Brooks reply, dated May 10, 2005). This